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AN ACT

RELATING TO ELECTIONS AND VOTER REGISTRATION BY PROVIDING FOR  
NONPARTISAN ELECTION OF TOWNSHIP OFFICES, ALLOWING NOMINATION  
PETITIONS TO BE SIGNED ON BOTH SIDES OF PAPER, REMOVING THE  
REQUIREMENT THAT JUDGES' NAMES BE ROTATED ON CERTAIN BALLOTS,  
RELATING TO USE OF SUBSTITUTE PRECINCT ELECTION OFFICIALS,  
RELATING TO USE OF VOTING MACHINE OR PAPER BALLOTS AT CERTAIN  
ELECTIONS, MODIFYING OPENING AND CLOSING HOURS OF THE POLLS  
AT CERTAIN ELECTIONS, PROVIDING FOR DESTRUCTION OF CERTAIN  
BALLOTS, RELATING TO THE ABSTRACT OF VOTES FOR COUNTY OFFICES,  
PROVIDING FOR USE OF CERTAIN VOTING MACHINES AT SATELLITE  
ABSENTEE VOTING STATIONS, RELATING TO OBSERVERS PRESENT WHEN  
BALLOTS ARE COUNTED, ALLOWING ABSENTEE VOTING AT THE COMMIS-  
SIONER'S OFFICE FOR CERTAIN ELECTIONS, AND RELATING TO PERSONS  
NOMINATED FOR CITY OFFICE BY WRITE-IN VOTES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 39.21, Code 2003, is amended by adding  
the following new subsection:

NEW SUBSECTION. 4. Township trustees and township clerks  
as provided in section 39.22, subsection 2.

Sec. 2. Section 43.14, subsection 1, unnumbered paragraph  
1, Code 2003, is amended to read as follows:

Nomination papers shall include a petition and an affidavit  
of candidacy. All nomination petitions shall be eight and  
one-half by eleven inches in size and in substantially the  
form prescribed by the state commissioner of elections. The  
petition may contain signatures on the front and back of a  
sheet of paper. Each side shall be considered a separate page  
of the petition for purposes of this section. They Petitions  
shall include or provide spaces for the following information:

Sec. 3. Section 45.5, subsection 1, unnumbered paragraph  
1, Code Supplement 2003, is amended to read as follows:

Nomination papers shall include a petition and an affidavit  
of candidacy. All nomination petitions shall be eight and  
one-half by eleven inches in size and shall be in  
substantially the form prescribed by the state commissioner of  
elections. The petition may contain signatures on the front  
and back of a sheet of paper. Each side shall be considered a  
separate page of the petition for purposes of this section.  
~~They~~ Petitions shall provide spaces for the following

information:  
Sec. 4. Section 46.21, unnumbered paragraph 1, Code 2003,  
is amended to read as follows:

At least sixty-nine days before each judicial election, the  
state commissioner of elections shall certify to the county  
commissioner of elections of each county a list of the judges  
of the supreme court, court of appeals, and district court  
including district associate judges, full-time associate  
juvenile judges, and full-time associate probate judges, and  
clerks of the district court to be voted on in each county at  
that election. The county commissioner of elections shall  
place the names upon the ballot in the order in which they  
appear in the certificate, ~~unless only one county is voting  
thereon.~~ The state commissioner of elections shall rotate the  
names in the certificate by county, ~~or the county commissioner  
of elections shall rotate them upon the ballot by precinct if  
only one county is voting thereon.~~ The names of all judges  
and clerks to be voted on shall be placed upon one ballot,  
which shall be in substantially the following form:

Sec. 5. Section 49.14, subsection 1, Code 2003, is amended  
to read as follows:

1. The commissioner may appoint substitute precinct  
election officials as alternates for election board members.  
~~A majority of the original election board members shall be  
present at the precinct polling place at all times; However,  
at partisan elections such the majority of election board  
members at the precinct polling place shall include at least  
one precinct election official from each political party. If  
the chairperson leaves the polling place, the chairperson  
shall designate another member of the board to serve as  
chairperson until the chairperson returns. The~~

3 6 responsibilities and duties of a precinct election official,  
3 7 ~~other than the chairperson,~~ present at the time the polling  
3 8 place was opened on the day of an election may be assumed at  
3 9 any later time that day by a substitute appointed as an  
3 10 alternate. The substitute shall serve either for the balance  
3 11 of that election day or for any shorter period of time the  
3 12 commissioner may designate.

3 13 Sec. 6. Section 49.26, subsection 2, Code 2003, is amended  
3 14 to read as follows:

3 15 2. When voting machines are available for an election  
3 16 precinct, the commissioner shall determine in advance of each  
3 17 election conducted for a city of three thousand five hundred  
3 18 or less population or any school district in which voting  
3 19 occurs in that precinct whether voting there shall be by  
3 20 machine or paper ballot. ~~If the commissioner concludes, on~~  
~~3 21 the basis of voter turnout for recent similar elections and~~  
~~3 22 factors considered likely to affect voter turnout for the~~  
~~3 23 forthcoming election, that voting will probably be so light as~~  
~~3 24 to make preparation and use of paper ballots less expensive~~  
~~3 25 than preparation and use of a voting machine, paper ballots~~  
~~3 26 shall be used.~~

3 27 Sec. 7. Section 49.30, subsection 1, Code 2003, is amended  
3 28 to read as follows:

3 29 1. Where special paper ballots are used, if it is not  
3 30 possible to include all offices and public measures on a  
3 31 single ballot, separate ballots may be provided for ~~township~~  
~~3 32 offices,~~ nonpartisan offices, judges, or public measures.

3 33 Sec. 8. Section 49.30, subsection 2, paragraph a, Code  
3 34 2003, is amended to read as follows:

3 35 a. If it is impossible to place the names of all  
4 1 candidates on the machine ballot, the commissioner may provide  
4 2 a separate paper ballot for the candidates for judge of the  
4 3 district court, ~~the township offices,~~ and the nonpartisan  
4 4 offices listed in section 39.21. One of the paper ballots  
4 5 shall be furnished to each registered voter.

4 6 Sec. 9. Section 49.37, subsection 3, Code 2003, is amended  
4 7 to read as follows:

4 8 3. The commissioner shall arrange the partisan county  
4 9 offices on the ballot with the board of supervisors first,  
4 10 followed by the other county offices ~~and township offices~~ in  
4 11 the same sequence in which they appear in ~~sections~~ section  
4 12 ~~39.17 and 39.22.~~ Nonpartisan offices shall be listed after  
4 13 partisan offices.

4 14 Sec. 10. Section 49.73, subsection 1, paragraph e, Code  
4 15 2003, is amended to read as follows:

4 16 e. The unincorporated area of any county voting on a hotel  
~~4 17 and motel tax pursuant to section 422A.1 or a local option~~  
4 18 sales and services tax pursuant to section 422B.1.

4 19 Sec. 11. Section 49.73, subsection 2, Code 2003, is  
4 20 amended to read as follows:

4 21 2. The commissioner shall not shorten voting hours for any  
4 22 election if there is filed in the commissioner's office, at  
4 23 least twenty-five days before the election, a petition signed  
4 24 by at least fifty eligible electors of the school district or  
4 25 city, as the case may be, requesting that the polls be opened  
4 26 not later than seven o'clock a.m. All polling places where  
4 27 the candidates of or any public question submitted by any one  
4 28 political subdivision are being voted upon shall be opened at  
4 29 the same hour, except that this requirement shall not apply to  
4 30 merged areas established under chapter 260C. The hours at  
4 31 which the respective precinct polling places are to open shall  
4 32 not be changed after publication of the notice required by  
4 33 section 49.53. The polling places shall be closed at ~~nine~~  
~~4 34 o'clock eight p.m. for state primary and general elections and~~  
~~4 35 other partisan elections, and for any other election held~~  
5 1 ~~concurrently therewith, and at eight o'clock p.m. for all~~  
5 2 ~~other elections.~~

5 3 Sec. 12. Section 50.9, Code 2003, is amended to read as  
5 4 follows:

5 5 50.9 RETURN OF BALLOTS NOT VOTED.

5 6 Ballots not voted, or spoiled by voters while attempting to  
5 7 vote, shall be returned by the precinct election officials to  
5 8 the commissioner, and a receipt taken for the ballots. The  
5 9 ballots shall be preserved for twenty-two months following  
5 10 elections for federal offices ~~and for six months following~~  
~~5 11 elections for all other offices. For all other elections,~~  
~~5 12 ballots not voted, or spoiled by voters while attempting to~~  
~~5 13 vote, may be destroyed the day after the last day to contest~~  
~~5 14 the election, or the day after final determination of any~~  
~~5 15 pending contest.~~

5 16 Sec. 13. Section 50.25, subsection 7, Code 2003, is

5 17 amended by striking the subsection and inserting in lieu  
5 18 thereof the following:  
5 19 7. County offices.  
5 20 Sec. 14. Section 52.7, Code 2003, is amended to read as  
5 21 follows:

5 22 52.7 CONSTRUCTION OF MACHINE APPROVED.

5 23 1. A voting machine approved by the state board of  
5 24 examiners for voting machines and electronic voting systems  
5 25 must be so constructed as to provide facilities for voting for  
5 26 the candidates of at least seven different parties or  
5 27 organizations, must permit a voter to vote for any person for  
5 28 any office although not nominated as a candidate by any party  
5 29 or organization, and must permit voting in absolute secrecy.

5 30 2. It must also be so constructed as to prevent voting for  
5 31 more than one person for the same office, except where the  
5 32 voter is lawfully entitled to vote for more than one person  
5 33 for that office; and it must afford the voter an opportunity  
5 34 to vote for any or all persons for that office as the voter is  
5 35 by law entitled to vote for and no more, at the same time

6 1 preventing the voter from voting for the same person twice.

6 2 3. It may also be provided with one ballot in each party  
6 3 column or row containing only the words "presidential  
6 4 electors", preceded by the party name, and a vote for such  
6 5 ballot shall operate as a vote for all the candidates of such  
6 6 party for presidential electors.

6 7 4. Such machine shall be so constructed as to accurately  
6 8 account for every vote cast upon it.

6 9 5. A voting machine may be used at satellite voting  
6 10 stations or at the commissioner's office for voting of  
6 11 absentee ballots if the following apply:

6 12 a. The voting machine is a direct recording electronic  
6 13 voting system.

6 14 b. The voting machine is equipped with the ability to  
6 15 retrieve a ballot after the ballot has been voted.

6 16 c. The voting machine is so constructed to remove  
6 17 information from the ballot identifying the voter before the  
6 18 ballot is recorded and counted.

6 19 Sec. 15. Section 52.36, Code 2003, is amended to read as  
6 20 follows:

6 21 52.36 COMMISSIONER IN CHARGE OF COUNTING CENTER ==  
6 22 APPOINTMENT OF RESOLUTION BOARD.

6 23 All proceedings at the counting center shall be under the  
6 24 direction of the commissioner and open to the public. The  
6 25 proceedings ~~shall~~ may be under the observation of at least one  
6 26 member of each of the political parties referred to in section  
6 27 49.13, ~~if members are designated by the county chairperson or,~~  
6 28 ~~if the chairperson fails to make a designation, by the~~

6 29 ~~commissioner.~~ No person except those employed and authorized  
6 30 by the commissioner for the purpose shall touch any ballot or  
6 31 ballot container.

6 32 The commissioner shall appoint from the lists provided by  
6 33 the county political party chairpersons a resolution board to  
6 34 tabulate write-in votes and to decide questions regarding  
6 35 damaged, defective, or other ballots which cannot be tabulated  
7 1 by machine. The commissioner shall appoint as many people to  
7 2 the resolution board as the commissioner believes are  
7 3 necessary. The resolution board shall be divided into two=  
7 4 person teams. Each team shall consist of people who are not  
7 5 members of the same political party. If a team is unable to  
7 6 decide how to count one or more ballots, a third person shall  
7 7 be available to consult with the team and to resolve disputes.  
7 8 Ballots which were objected to shall be endorsed and separated  
7 9 as required by section 50.4.

7 10 Sec. 16. Section 53.2, unnumbered paragraph 1, Code 2003,  
7 11 is amended to read as follows:

7 12 Any registered voter, under the circumstances specified in  
7 13 section 53.1, may on any day, except election day, and not  
7 14 more than seventy days prior to the date of the election,  
7 15 apply in person for an absentee ballot at the commissioner's  
7 16 office or at any location designated by the commissioner, or  
7 17 make written application to the commissioner for an absentee  
7 18 ballot. However, for those elections in which the  
7 19 commissioner directs the polls be opened at noon pursuant to  
7 20 section 49.73, a voter may apply in person for an absentee  
7 21 ballot at the commissioner's office from eight a.m. until

7 22 eleven a.m. on election day. The state commissioner shall  
7 23 prescribe a form for absentee ballot applications. However,  
7 24 if a registered voter submits an application that includes all  
7 25 of the information required in this section, the prescribed  
7 26 form is not required. Absentee ballot applications may  
7 27 include instructions to send the application directly to the

7 28 county commissioner of elections. However, no absentee ballot  
7 29 application shall be preaddressed or printed with instructions  
7 30 to send the applications to anyone other than the appropriate  
7 31 commissioner.

7 32 Sec. 17. Section 376.11, unnumbered paragraphs 1, 3, 4,  
7 33 and 5, Code 2003, are amended to read as follows:

7 34 Write-in votes are permitted to be cast in all elections  
7 35 for city offices. A person who receives a sufficient number  
8 1 of write-in votes to be elected to a city office shall be  
8 2 declared the winner of the election. If a person who was  
8 3 elected by write-in votes chooses not to serve in that office  
8 4 the person shall submit a resignation in writing to the city  
8 5 clerk not later than five ~~o'clock~~ p.m. on the tenth day  
8 6 following the canvass of the election. If a person who was  
8 7 elected by write-in votes resigns at a later time, the office  
8 8 shall be considered vacant at the end of the term and the  
8 9 council shall fill the vacancy pursuant to the provisions of  
8 10 section 372.13, subsection 2.

8 11 In city primary elections any person who receives write-in  
8 12 votes shall execute an affidavit in substantially the form  
8 13 required by section 45.3, and file it with the county  
8 14 commissioner of elections or the city clerk not later than  
8 15 five ~~o'clock~~ p.m. on the fourth day ~~after following~~ the  
8 16 canvass of the primary election. If any person who received  
8 17 write-in votes fails to file the affidavit at the time  
8 18 required, the county commissioner shall disregard the write-in  
8 19 votes cast for that person. A notation shall be made on the  
8 20 abstract of votes showing which persons who received write-in  
8 21 votes filed affidavits. The total number of votes cast for  
8 22 each office on the ballot shall be amended by subtracting the  
8 23 write-in votes of those candidates who failed to file the  
8 24 affidavit. It is not necessary for a candidate whose name was  
8 25 printed upon the ballot to file an affidavit. Of the  
8 26 remaining candidates, those who receive the highest number of  
8 27 votes to the extent of twice the number of unfilled positions  
8 28 shall be placed on the ballot for the regular city election as  
8 29 candidates for that office.

8 30 In cities in which the city council has chosen a runoff  
8 31 election in lieu of a primary, if a person who was elected by  
8 32 write-in votes chooses not to accept the office by filing a  
8 33 resignation notice with the city clerk or commissioner of  
8 34 elections not later than five ~~o'clock~~ p.m. on the fourth day  
8 35 following the canvass, all remaining persons who received  
9 1 write-in votes and who wish to be considered candidates for  
9 2 the runoff election shall execute an affidavit in  
9 3 substantially the form required by section 45.3 and file it  
9 4 with the county commissioner or the city clerk not later than  
9 5 five ~~o'clock~~ p.m. of the fourth day following the canvass. If  
9 6 a person receiving write-in votes fails to file the affidavit  
9 7 at the time required, the county commissioner of elections  
9 8 shall disregard the write-in votes cast for that person. The  
9 9 abstract of votes shall be amended to show that the person who  
9 10 was declared elected declined the office and a notation shall  
9 11 be made next to the names of those persons who did not file  
9 12 the affidavit. A runoff election shall be held with the  
9 13 remaining candidates who have the highest number of votes to  
9 14 the extent of twice the number of unfilled positions.

9 15 In a city in which the council has chosen a runoff  
9 16 election, if no person was declared elected for an office all  
9 17 persons who received write-in votes shall execute an affidavit  
9 18 in substantially the form required by section 45.3 and file it  
9 19 with the county commissioner of elections or the city clerk  
9 20 not later than five ~~o'clock~~ p.m. on the fourth day following  
9 21 the canvass of votes. If any person who received write-in  
9 22 votes fails to file the affidavit the county commissioner of  
9 23 elections shall disregard the write-in votes cast for that  
9 24 person. The abstract of votes shall be amended to note which  
9 25 of the write-in candidates failed to file the affidavit. A  
9 26 runoff election shall be held with the remaining candidates  
9 27 who have the highest number of votes to the extent of twice  
9 28 the number of unfilled positions.

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9 33 CHRISTOPHER C. RANTS  
9 34 Speaker of the House  
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10 3 JEFFREY M. LAMBERTI  
President of the Senate

10 4  
10 5 I hereby certify that this bill originated in the House and  
10 6 is known as House File 593, Eightieth General Assembly.

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10 10 \_\_\_\_\_  
10 11 MARGARET THOMSON  
10 12 Chief Clerk of the House

10 12 Approved \_\_\_\_\_, 2004

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10 16 THOMAS J. VILSACK  
10 17 Governor